

BOARD OF APPEALS CASE NO. 4863	*	BEFORE THE
APPLICANT: Harford County Government	*	ZONING HEARING EXAMINER
REQUEST: Interpretation to correct a mapping error; 2721 Conowingo Road, Bel Air	*	OF HARFORD COUNTY
	*	
	*	Hearing Advertised
	*	Aegis: 11/4/98 & 11/11/98
HEARING DATE: January 20, 1999	*	Record: 11/6/98 & 11/13/98
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ZONING HEARING EXAMINER'S DECISION

The Applicant is Harford County Government. The County is requesting an interpretation to Section 267-10(D) of the Harford County Code to correct a mapping error in the 1982, 1989 and 1997 Comprehensive Rezoning.

The subject property is located at 2721 Conowingo Road in the Third Election District. The parcel is identified as part of Parcel No. 79 in Grid 1-E, on Tax Map 34. The property is owned by Mrs. Charles E. Walter. The entire parcel contains 6.1 acres and the area of the parcel which is the subject of this hearing contains 1.58 acres. The entire parcel is currently shown as Agricultural on the zoning maps.

Mr. Anthony McClune, Chief of Current Planning for the Department of Planning and Zoning, appeared and testified that in 1957, during the original comprehensive rezoning for Harford County, an area on the subject property approximately 200 feet at the front, 200 feet deep and 400 feet along the rear was zoned B3, General Business. Mr. McClune went on to explain that in the 1982 Comprehensive Rezoning, the B3 portion of the subject property was erroneously shown as Agricultural on the new zoning maps. Mr. McClune explained that the subject property was not an issue in the 1982 Comprehensive. He also said the property owners did not request rezoning, nor did any member of the County Council or the Department of Planning and Zoning recommend rezoning the property to Agricultural.

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Mr. McClune went on to explain that the mapping error was carried forward with the adoption of the 1989 zoning maps and that the property was not an issue during the 1989 Comprehensive Rezoning.

Finally, Mr. McClune testified that the subject property was not an issue during the most recent Comprehensive Rezoning in 1997 and the mapping error which occurred in 1982 was carried forward with the adoption of the 1997 zoning maps.

No Protestants appeared and testified in opposition to the request to rezone approximately 1.5 acres of the subject property to B3.

CONCLUSION:

The Applicant, Harford County Government, is requesting an interpretation to Section 267-10(D) of the Harford County Code to correct a mapping error in the 1982, 1989 and 1997 Comprehensive Rezoning. Section 267-10(D) provides:

“Mapping Errors: permitting adjustments of any boundary line to conform to the intent of the comprehensive rezoning and that said adjustment is necessary to rectify a map drafting error which occurred during the comprehensive rezoning process.”

The clear and uncontradicted testimony of Mr. Anthony McClune, Chief of Current Planning for the Department of Planning and Zoning, was that 1.5 acres of the subject parcel which is the subject of this hearing was originally zoned B3 in 1957 when Harford County adopted the original Zoning Ordinance. In 1982 a mapping error occurred which changed the classification of the 1.5 acres from the B3 classification to Agricultural. It is uncontested that the error which occurred in the 1982 Comprehensive was affirmed in both the 1989 and 1997 Comprehensive Rezonings. The Applicant's witness testified that there was no evidence that the subject property was an issue in any of the comprehensive rezonings and that neither the property owner, the Department of Planning and Zoning or the County Council requested that the zoning on the property be changed from B3 to Agricultural.

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It is the finding of the Hearing Examiner that a mapping error did, in fact, occur following the 1982 Comprehensive Rezoning, which changed the zoning of the subject property from B3 to Agricultural.

Therefore, is the recommendation of the Hearing Examiner that the mapping error be rectified and that 1.5 acres of the subject parcel be reclassified to the B3, General Business classification.

Date FEBRUARY 4, 1999

L. A. Hinderhofer
Zoning Hearing Examiner